

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

IN RE:  
Michael A Donovan  
Judie A Donovan  
SS#: XXX-XX-2310 XXX-XX-2847  
DEBTORS

CASE NO. 10-80415-JAC-13

CHAPTER 13

**TRUSTEE'S MOTION TO MODIFY CHAPTER 13 PLAN**

COMES NOW, Linda B. Gore, the Chapter 13 Trustee in the above styled case, and moves this Court to modify Debtors' plan confirmed June 30, 2010; and as grounds therefore, the Trustee would show unto the Court as follows:

1. The Debtors' Chapter 13 plan presently calls for payments of \$3,803.00 monthly to the Chapter 13 Trustee.
2. The claims that have been filed are in excess of the amounts proposed to be paid in the plan. Thus, the present amount being paid is inadequate to pay those claims as filed.
3. In order for the plan to complete as confirmed, the Trustee proposes to increase the Chapter 13 Plan payments to the amount of \$4,122.00 monthly beginning in August 2013 for the remaining 19 months of the plan.

WHEREFORE, the Trustee moves for an order modifying the plan pursuant to 11 U.S.C. § 1329 and Rule 3015(g) to increase the Chapter 13 Plan payments to the amount of \$4,122.00 monthly, beginning August 01, 2013 for the remaining 19 months of the plan to cure the default, with a six month probationary period beginning August 2013 wherein if plan payments are not made within the month in which they are due, the Trustee may obtain an order of dismissal without further notice. Other provisions: All other provisions to remain the same.

RESPECTFULLY SUBMITTED, this the 30th day of July, 2013.

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U. S. BANKRUPTCY COURT AND A COPY SERVED ON THE CHAPTER 13 STANDING TRUSTEE WITHIN TWENTY-ONE (21) DAYS FROM DATE OF SERVICE HEREOF. ANY OBJECTIONS FILED WILL BE HEARD BY THE COURT ON THE **26TH DAY OF AUGUST, 2013, AT 9:00 A.M. IN THE BANKRUPTCY COURTROOM, FEDERAL BUILDING, CAIN ST ENTRANCE, 3rd FLOOR, DECATUR AL 35601**. THIS MOTION WILL BE GRANTED UNLESS AN OBJECTION IS FILED WITHIN TWENTY-ONE (21) DAYS.

/s/ Linda B. Gore

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LINDA B. GORE, TRUSTEE  
P.O. BOX 2388  
DECATUR, AL 35602-2388  
(256)350-0442

### **CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of the above Motion upon the Attorney for the Debtors and the Debtors , by mailing a copy of the same with adequate postage thereon or by electronic means when available:

Michael A Donovan  
Judie A Donovan  
558 St Clair Rd  
Hazel Green, AL 35750

BOND BOTES SYKSTUS TANNER &  
EZZELL  
ATTORNEYS AT LAW  
225 PRATT AVE  
HUNTSVILLE, AL 35801

This the 30th day of July, 2013.

/s/ Linda B. Gore

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Linda B. Gore, Trustee